



1761

PATENT

KGF ID NO. 67052

Attorney Docket No. 67052

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Pasch et al.)
)
Appln. No.: 09/779,756)
)
Filed: February 8, 2001)
)
Title: STABILIZATION OF COOKED)
 PASTA COMPOSITIONS USING)
 WHEY FROM NISIN-PRODUCING)
 CULTURES)
)
Group Art Unit: 1761)
)
Examiner:)

CERTIFICATE OF MAILING

I hereby certify that this paper is
being deposited with the United States
Postal Service as first class mail in an
envelope addressed to: Commissioner of
Patents and Trademarks, Washington, D.C.
20231, on this date.

5/21/01
Date Richard A. Kaba
Registration No. 30,562
Attorney for Applicant(s)

INFORMATION DISCLOSURE STATEMENT

Commissioner of Patents
and Trademarks
Attention: Assistant Commissioner
of Patents
Washington, D.C. 20231

RECEIVED
MAY 25 2001
TC 1700

Dear Sir:

Pursuant to the provisions of 37 C.F.R. §§ 1.56,
1.97 and 1.98, the Applicants submit herewith the documents
listed on the enclosed Form PTO-1449 for consideration during
the prosecution of the subject application. A copy of each of
the references cited is enclosed. Accordingly, Applicants
respectfully request that the enclosed documents be considered
and made of record.

United States Patents

<u>Inventor</u>	<u>Patent No.</u>
Hall	3,093,551
Nakagawa	3,616,255
Taylor	4,584,199
Taylor	4,597,972
Gonzalez et al.	4,716,115
Gonzalez et al.	4,740,593
Anders et al.	4,798,729
Anders et al.	4,888,191
Barney et al.	4,906,573
Collison et al.	5,015,487
Anders et al.	5,017,391
Hutkins et al.	5,186,962

United States Patents (Cont'd)

<u>Inventor</u>	<u>Patent No.</u>
Vedamuthu et al.	5,231,165
Sasaki et al.	5,338,682
Vedamuthu	5,445,835
Daeschel et al.	5,451,369
Monticello	5,458,876
Nietupski et al.	5,484,909
Yamauchi et al.	5,527,505
Nietupski et al.	5,705,339
Nauth et al.	5,716,811
De Vos et al.	5,594,103
Cirigliano et al.	5,895,680
Vandenbergh et al.	5,877,272
Kuipers et al.	5,914,248
De Vos et al.	5,928,946
Sami	5,972,617
Nauth et al.	6,110,509
Nauth et al.	6,113,954
Nauth et al.	6,136,351

Foreign Reference

<u>Country</u>	<u>Patent No.</u>
United Kingdom	844,782
Russian (Abstract)	507055 A
Russian (Abstract)	2059716 CA
European Appln.	0 186 498

RECEIVED

MAY 25 2001

TC 1700

References

Chung et al., "Effects of Nisin on Growth of Bacteria Attached to Meat", Applied and Environmental Microbiology, June 1989, p. 1329-1333.

Maas et al., "Sodium Lactate Delays Toxin Production by *Clostridium botulinum* in Cook-in-Bag Turkey Products", Applied and Environmental Microbiology, Sept. 1989, p. 2226-2229.

Kosikowski, Frank, "Bakers', Neufchatel, and Cream Cheese", Cheese and Fermented Milk Foods, 2d 1977, pp. 167.

Fowler, G. G. , "La Conservation Des Produits Alimentaires Au Moyen de la Nisine" REVUE DES FERMENTATIONS ET DES INDUSTRIES ALIMENTAIRES", Vol. 34, No. 5, 1979, pages 157-159.

Delves-Broughton, J., "NISIN and Its Uses as a Food Preservative", FOOD TECHNOLOGY, Vol. 44, No. 11, 1990.

Bell, R. G. et al., "The effect of nisin-sodium chloride interactions on the outgrowth of *Bacillus licheniformis*

spores", JOURNAL OF APPLIED BACTERIOLOGY, Vol. 159, 1985, pages 127-132.

Buncic, S. et al., "Individual and Combined Listericidal Effects of Sodium Lactate, Potassium Sorbate, Nisin and Curing Salts at Refrigeration Temperature", JOURNAL OF FOOD SAFETY, Vol. 15, No. 2, 1995, pp. 247-264.

Nykanen, Anne, et al., "The Effect of Lactic Acid, Nisin Whey Permeate, Sodium Chloride and Related Combinations on Aerobic Plate Count and the Sensory Characteristics of Rainbow Trout", LEBENSMITTEL WISSENSCHAFT UND TECHNOLOGIE, Vol. 31, No. 3, 1998, pp. 286-290.

Nykanen, A., et al., "Synergistic antimicrobial effect of nisin whey permeate and lactic acid on microbes isolated from fish", LETTERS IN APPLIED MICROBIOLOGY 1998, 27, 345-458.

Nykanen, A., et al., "Synergistic inhibition of Listeria monocytogenes on cold-smoked rainbow trout by nisin and sodium lactate", INTERNATIONAL JOURNAL OF FOOD MICROBIOLOGY, 61 (2000) pp. 63-72.

Hurst, A., "Nisin", ADVANCES IN APPLIED MICROBIOLOGY Vol. 27, pages 85-1234.

Lucke et al., "Ecology and Control Foods", (A. H.W. Hauschild and K. L. Dodds, eds.) Marcel Dekker, New York, 1993, pp. 177-207.

Kalra, M.S, et al., "Stoppage in Increase in Acid Production of Yogurt by Incorporating a Nisin-Producing Culture", Division of Microbiology, National Dairy Research Institute, Karnal (Haryana), 7/18/74, pp. 71-72.

Smart et al., J. Appl. Bacteriol., 46, pages 377-383 (1979).

Roberts et al., J. Food Technol, 14, 211-226 (1979).

Tompkin, Food Technology, 34, pp. 229-236, and 257 (1980).

Bryan et al., Amer Public Health, 61, pp. 1869-1885 (1971) **(not currently available)**.

Microbial Ecology of Food Commodities - Microorganisms in Foods 6: Blackie Academic and Professional, 1998, p. 115 **(not currently available)**.

Kalra et al., (Indian Journal of Dairy Science, 28: 71-72 (1975)).

RECEIVED

MAY 25 2001

TC 1700

Bayoumi, Chem. Mikrobiol. Technol. Lebensm, 13:65-69 (1991).

Gupta et al., Cultured Dairy Products Journal, 23: pp. 17-18 (1988).

Chander et al., Cultured Dairy Products Journal, pp. 11-13 (February, 1989).

Hogarty et al., J. Food Prot. 45:1208-1211 (1982)

Sadovski et al., XX International Dairy Congress, Vol. E, 542-544, 1978 (not currently available)

Muriana et al., J. Food Protection, 58: pp. 1109-1113 (1995).

Brochure - "Specialty Wheat Protein Ingredients for Pasta and Noodle Products", Midwest Grain Products, Inc.

Brochure - "Specialty Wheat Proteins for Food Applications", Midwest Grain Products, Inc.

Brochure - "P² Pasta Power" - Midwest Grain Products, Inc.

Debbeouz, A., "Comparison of Semolina Fortification With Wheat Glutens and Egg White", North Dakota State University Cereal Science Department, Fargo, North Dakota, October 15, 1996.


Brochure - "Creating Better Solutions Naturally" - Midwest Grain Products, Inc.

Please note that the references not currently available will be transmitted when available.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By:


Richard A. Kaba
Attorney Reg. No. 30,562

May 21, 2001
FITCH, EVEN, TABIN & FLANNERY
120 S. LaSalle Street, Suite 1600
Chicago, Illinois 60603-3406
(312) 577-7000

MAY 23 2001

Sheet 1 of 5

FORM PTO-1449
(REV. 7-80)U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.
67052APPLN NO.
09/7779,756INFORMATION DISCLOSURE
STATEMENT

(USE SEVERAL SHEETS IF NECESSARY)

APPLICANT
Pasch et al.FILING DATE
February 8, 2001GOOUP
1761

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROP.
21	AA	3 0 9 3 5 5 1	6/11/63	Hall			
	AB	4 5 8 4 1 9 9	4/22/86	Taylor			
	AC	4 5 9 7 9 7 2	7/1/86	Taylor			
	AD	4 7 1 6 1 1 5	12/29/87	Gonzalez et al.			
	AE	4 7 4 0 5 9 3	4/26/88	Gonzalez et al.			
	AF	5 5 2 7 5 0 5	6/18/96	Yamauchi et al.			
	AG	5 7 1 6 8 1 1	2/10/98	Nauth et al.			
	AH	5 5 9 4 1 0 3	1/14/97	De Vos et al.			
	AI	5 8 9 5 6 8 0	4/20/99	Cirigliano et al.			
	AJ	5 9 1 4 2 4 8	6/22/99	Kuipers et al.			
	AK	5 9 2 8 9 4 6	7/27/99	De Vos et al.			
	AL	6 1 1 0 5 0 9	8/29/00	Nauth et al.			
21	AM	6 1 1 3 9 5 4	9/5/00	Nauth et al.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
21	AN	844,782	8/17/60	Great Britain				
	AO	507055	2/28/79	Russia (Abstract)				
21	AP	2059716	5/10/96	Russia (Abstract)				

OTHER REFERENCES (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)

21	AQ	Chung et al., "Effects of Nisin on Growth of Bacteria Attached to Meat", <u>Applied and Environmental Microbiology</u> , June 1989, p. 1329-1333.
	AR	Maas et al., "Sodium Lactate Delays Toxin Production by <i>Clostridium botulinum</i> in Cook-in-Bag Turkey Products", <u>Applied and Environmental Microbiology</u> , Sept. 1989, p. 2226-2229.
21	AS	Kosikowski, Frank, "Bakers", Neufchatel, and Cream Cheese", <u>Cheese and Fermented Milk Foods</u> , 2d 1977, pp. 167.

EXAMINER

Lien Tran

DATE CONSIDERED

9/29/02

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449
(REV. 7-80)U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.
67052APPLN NO.
09/7779,756INFORMATION DISCLOSURE
STATEMENT

(USE SEVERAL SHEETS IF NECESSARY)

APPLICANT
Pasch et al.FILING DATE
February 8, 2001GOOUP
1761

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROP.
21	AT	6 1 3 6 3 5 1	10/24/00	Nauth			
	AU	3 6 1 6 2 5 5	10/26/71	Nakagawa			
21	AV	4 9 0 6 5 7 3	3/6/90	Barney et al.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
21	AW	0 186 498 A2 -	02.07.86	European Patent Appl.				

OTHER REFERENCES (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)

21	AX	Fowler, G. G. , "La Conservation Des Produits Alimentaires Au Moyen de la Nisine" REVUE DES FERMENTATIONS ET DES INDUSTRIES ALIMENTAIRES", Vol. 34, No. 5, 1979, pages 157-159.
	AY	Delves-Broughton, J., "NISIN and Its Uses as a Food Preservative", FOOD TECHNOLOGY, Vol. 44, No. 11, 1990.
	AZ	Bell, R. G. et al., "The effect of nisin-sodium chloride interactions on the outgrowth of bacillus licheniformis spores", JOURNAL OF APPLIED BACTERIOLOGY, Vol. 159, 1985, pages 127-132.
	A1	Buncic, S. et al., "Individual and Combined Listericidal Effects of Sodium Lactate, Potassium Sorbate, Nisin and Curing Salts at Refrigeration Temperature", JOURNAL OF FOOD SAFETY, Vol. 15, No. 2, 1995, pp. 247-264.
	A2	Nykanen, Anne, et al., "The Effect of Lactic Acid, Nisin Whey Permeate, Sodium Chloride and Related Combinations on Aerobic Plate Count and the Sensory Characteristics of Rainbow Trout", LEBENSMITTEL WISSENSCHAFT UND TECHNOLOGIE, Vol. 31, No. 3, 1998, pp. 286-290.
	A3	Nykanen, A., et al., "Synergistic antimicrobial effect of nisin whey permeate and lactic acid on microbes isolated from fish", LETTERS IN APPLIED MICROBIOLOGY 1998, 27, 345-458.
	A4	Nykanen, A., et al., "Synergistic inhibition of Listeria monocytogenes on cold-smoked rainbow trout by nisin and sodium lactate", INTERNATIONAL JOURNAL OF FOOD MICROBIOLOGY, 61 (2000) pp. 63-72.
	A5	Hurst, A., "Nisin", ADVANCES IN APPLIED MICROBIOLOGY, Vol. 27, pages 85-1234.
21	A6	Lucke et al., "Ecology and Control Foods", (A. H.W. Hauschild and K. L. Dodds, eds.) Marcel Dekker, New York, 1993, pp. 177-207. (Not current available)

EXAMINER

Len Tran

DATE CONSIDERED

9/29/02

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

MAY 23 2001

Sheet 3 of 5

FORM PTO-1449
(REV. 7-80)U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.
67052APPLN NO.
09/7779,756INFORMATION DISCLOSURE
STATEMENT

(USE SEVERAL SHEETS IF NECESSARY)

APPLICANT
Pasch et al.FILING DATE
February 8, 2001GOOUP
1761

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROP.
J1	A7	5 2 3 1 1 6 5	7/27/93	Vedamuthu et al.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

OTHER REFERENCES (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)

J1	A8	Kalra, M.S, et al., "Stoppage in Increase in Acid Production of Yogurt by Incorporating a Nisin-Producing Culture", Division of Microbiology, National Dairy Research Institute, Karnal (Haryana), 7/18/74, pp. 71-72.						
	A9	Smart et al., <u>J. Appl. Bacteriol.</u> , 46, pages 377-383 (1979)						
	A10	Roberts et al., <u>J. Food Technol.</u> , 14, 211-226 (1979);						
	A11	Tompkin, <u>Food Technology</u> , 34, pp. 229-236, and 257 (1980).						
	A12	Bryan et al., <u>Amer Public Health</u> , 61, pp. 1869-1885 (1971) (not currently available).						
	A13	Microbial Ecology of Food Commodities - Microorganisms in Foods 6: Blackie Academic and Professional, 1998, p. 115 (not currently available).						
	A14	Kalra et al., (<u>Indian Journal of Dairy Science</u> , 28: 71-72 (1975)						
	A15	Bayoumi, <u>Chem. Mikrobiol. Technol. Lebensm.</u> , 13:65-69 (1991)						
	A16	Gupta et al., <u>Cultured Dairy Products Journal</u> , 23: 9-10 (1989)						
J1	A17	Hogarty et al., <u>J. Food Prot.</u> 45:1208-1211 (1982)						

EXAMINER

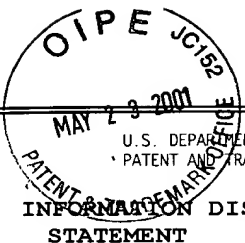
Lien Tran

DATE CONSIDERED

9/29/02

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

RECEIVED
MAY 25 2001
TC 1700

FORM PTO-1449
(REV. 7-80)U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
INFORMATION DISCLOSURE
STATEMENT

(USE SEVERAL SHEETS IF NECESSARY)

ATTY. DOCKET NO.
67052APPLN NO.
09/7779,756APPLICANT
Pasch et al.FILING DATE
February 8, 2001GROUP
1761

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROP.
21	A18 5 4 4 5 8 3 5	8/29/95	Vedamuthu			

FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO

OTHER REFERENCES (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)

21	A19	Sadovski et al., XX International Dairy Congress, Vol. E, 542-544, 1978 (not currently available)
	A20	Muriana et al., J. Food Protection, 58: pp. 1109-1113 (1995). ✓
	A21	Brochure - "Specialty Wheat Protein Ingredients for Pasta and Noodle Products", Midwest Grain Products, Inc. ✓
	A22	Brochure - "Specialty Wheat Proteins for Food Applications", Midwest Grain Products, Inc. ✓
	A23	Brochure - "P ² Pasta Power" - Midwest Grain Products, Inc. ✓
	A24	Debbeouz, A., "Comparison of Semolina Fortification With Wheat Glutens and Egg White", North Dakota State University Cereal Science Department, Fargo, North Dakota, October 15, 1996. ✓
21	A25	Brochure - "Creating Better Solutions Naturally" - Midwest Grain Products, Inc.
	A26	
	A27	
	A28	

RECEIVED
MAY 23 2001
TC 1700EXAMINER
Lien TranDATE CONSIDERED
4/29/02

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

MAY 23 2001

Sheet 4 of 5

FORM PTO-1449
(REV. 7-80)U.S. DEPARTMENT OF COMMERCE
PATENT & TRADEMARK OFFICEATTY. DOCKET NO.
67052APPLN NO.
09/7779,756INFORMATION DISCLOSURE
STATEMENT

(USE SEVERAL SHEETS IF NECESSARY)

APPLICANT
Pasch et al.FILING DATE
February 8, 2001GOOUP
1761

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROP.
21	A29	5 4 8 4 9 0 9	1/16/96	Nietupski et al.			
	A30	5 7 0 5 3 3 9	1/6/98	Nietupski et al.			
	A31	5 9 7 2 6 1 7	10/26/99	Sami			
21	A32	5 8 7 7 2 7 2	3/2/99	Vandenbergh et al.			
	A33						
	A34						
	A35						
	A36						

RECEIVED
MAY 25 2001
TC 1700

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

OTHER REFERENCES (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)

EXAMINER

Allen Tran

DATE CONSIDERED

9/29/02

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.